

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MICHAEL J. PALLADINO, as President of the NEW
YORK CITY DETECTIVES' ENDOWMENT
ASSOCIATION, INC., NEW YORK CITY
DETECTIVES' ENDOWMENT ASSOCIATION,
INC., EDWARD D. MULLINS, as President
of the SERGEANTS BENEVOLENT
ASSOCIATION of the CITY OF NEW YORK,
INC., SERGEANTS BENEVOLENT ASSOCIATION
OF THE CITY OF NEW YORK, INC., THOMAS
DROGAN, as President of the LIEUTENANTS
BENEVOLENT ASSOCIATION of the POLICE
DEPARTMENT of the CITY OF NEW YORK,
LIEUTENANTS BENEVOLENT ASSOCIATION
of the POLICE DEPARTMENT of the CITY OF
NEW YORK, JOHN DOE, JANE ROE and all
POLICE OFFICERS named herein and others
similarly situated,

Plaintiffs,

-against-

THE CITY OF NEW YORK, the NEW YORK CITY
POLICE DEPARTMENT, and RAYMOND W. KELLY,
as COMMISSIONER of the NEW YORK CITY POLICE
DEPARTMENT,

Defendants.
-----X

07 CIV 9246
(GBD)
(MHD)

**NOTICE OF
MOTION**

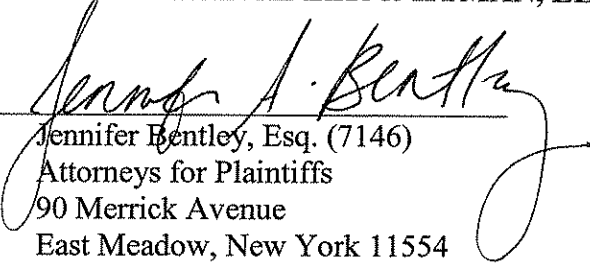
PLEASE TAKE NOTICE, that upon the affidavit of Michael J. Palladino, President of the New York City Detectives' Endowment Association, Inc., sworn to on the 9th day of October, 2007, the affidavit of Daniel Rivera, sworn to on the 9th day of October, 2007, the verified complaint, the exhibits thereto, and the accompanying memorandum of law, and upon all the prior pleadings and proceedings heretofore had herein, plaintiff shall move this Court at

the Courthouse located at 500 Pearl Street, New York, New York, on the 19th day of November 2007, at 9:30 a.m., or as soon thereafter as counsel can be heard, for an order pursuant to Rule 65 of the Federal Rules of Civil Procedure, preliminary enjoining the Defendants during the pendency of this action from further implementation and/or application of a certain Interim Order, Issued 9-30-07, Reference P.G. 212 Series, No. 52, with the subject "Alcohol Testing for Uniformed Members of the Service Involved in Firearms Discharges Resulting in Injury to or Death of a Person"; and granting such other and further relief as the Court may deem just and proper.

Dated: East Meadow, New York
October 18, 2007

CERTILMAN BALIN ADLER & HYMAN, LLP

By: _____


Jennifer Bentley, Esq. (7146)
Attorneys for Plaintiffs
90 Merrick Avenue
East Meadow, New York 11554
(516) 296-7000

TO: Michael A. Cardozo, Esq.
Attorneys for Defendants
Corporation Counsel of the City of New York
100 Church Street, Room 2-187
New York, New York 10007
Attn: Alan M. Schlesinger, Esq.
(212) 788-0303